

GUARDIANSHIP OF ADULT INCOMPETENT PACKET

COURT OF INDIAN OFFENSES FOR THE SOUTHERN PLAINS REGION

P.O. Box 368
Anadarko, Oklahoma 73005

Phone: 405/247-8511 or 405/247-8508
Fax: 405/247-7240

The forms in this packet are to be used as a template, if you are seeking a guardianship of an adult incompetent. Please read the instructions carefully before completing the forms. The Court Clerks CANNOT accept petitions that does not conform to the instructions included in this packet.

Should you need assistance in preparing the petition, you must consult with an attorney at your own expense. This court does not have legal aid. The Court Clerks are prohibited by Ethical Code and Court Rules to provide legal advice and help parties prepare or type court documents. Different situations may require special procedures and the Court Clerks CANNOT advise you on how to proceed or what forms may be necessary in specific situations.

PACKET CONTAINS:

Instruction Sheet

Petition Form

Entry of Appearance &
Waiver Form

Guardianship Flowchart

Sample Guardianship of
Adult Incompetent Petition

Sample Entry of Appearance
& Waiver

"INSTRUCTIONS"

PETITION FOR GUARDIANSHIP OF ADULT INCOMPETENT **IMPORTANT INFORMATION - PLEASE READ!**

1. Petition for Guardianship of Adult Incompetent must be typed **DOUBLE-SPACED** and on **LETTER SIZE PAPER** (8 ½ X 11).
2. Petition for Guardianship of Adult Incompetent must be signed in front of the Court Clerk or a notary public when you are ready to file.
3. Filing fees, copies, etc., must be made in the form of a **CASHIER'S CHECK or MONEY ORDER** and must be payable to "BUREAU OF INDIAN AFFAIRS". Filing fees **MUST** be paid at the time of filing your petition. If you are unsure of the amount of filing fees, contact the Court Clerk.
4. Submit original Petition for Guardianship of Adult Incompetent and a copy for each of the interested parties (listed in 8. of the Petition for Guardianship of Adult Incompetent), who has NOT signed an Entry of Appearance and Waiver and a copy for you, if you want a copy of the Petition for Guardianship of Adult Incompetent for your records. If the Court Clerk makes any copies you will be charged a **\$1.00 PER PAGE**.
5. Petition for Guardianship of Adult Incompetent must have the **FULL ADDRESSES (include city, state & zip)** of all interested parties (listed in 8. of the Petition for Guardianship of Adult Incompetent). Obtaining this information is your responsibility.
6. The Petition for Guardianship of Adult Incompetent form is a guide to use in preparing the petition. **DO NOT** fill in the blanks and submit for filing. **IT MUST BE RETYPED.**
7. Petition for Guardianship of Adult Incompetent filed **MUST have a copy of the adult incompetent's birth certificate and tribal enrollment card/CDIB and be submitted with the petition when filed.** Obtaining these documents is **YOUR** responsibility.

Petitions WILL NOT be accepted without a tribal enrollment card or CDIB!

FILING FEES – GUARDIANSHIP OF ADULT INCOMPETENT

	FEE
Petition for Guardianship of Adult Incompetent.....	\$ 60.00
Summons/Service Fee (for each interest party, listed in 8. of the Petition for Guardianship).....	\$ 25.00

SHOULD THE INTERESTED PARTY(IES) AGREE TO SIGN THE ENTRY OF APPEARANCE AND WAIVER, IT MUST BE SIGNED IN FRONT OF A NOTARY PUBLIC OR COURT CLERK AND SUBMIT WITH THE PETITION.

Petition for Guardianship of Adult Incompetent.....	\$ 60.00
<u>With Entry of Appearance and Waiver</u> (for each interest party, listed in 8. of the Petition for Guardianship)	
TOTAL	\$ 60.00

OFFICE HOURS: 9:00 am–12:00 pm and 1:00 pm–4:00 pm, MONDAY–THURSDAY

Court Clerk's Office phone no.: 405/247-8511 or 405/247-8508

Mailing address: Court of Indian Offenses
PO Box 368
Anadarko, OK 73005

GUARDIANSHIP FLOW CHART: Guardianship Process

"PETITION FOR GUARDIANSHIP" - The petitioner prepares and files the *petition* with the Court Clerk. This is the document filed by the petitioner to start the guardianship action.

If Entry of Appearance and Waiver(s) is NOT filed with the Petition for Guardianship.

If Entry of Appearance and Waiver(s) (for ALL interested parties) is filed with the Petition for Guardianship.

▼

"SUMMONS" - The Court Clerk will prepare *summons* to all interested parties advising him/her that that have 30 days to answer to the petition.

▼

"SERVICE OF PROCESS" - Serve all interested parties defendant with copy of the petition and summons sent certified mail.

▼

"ANSWER" - Defendant must respond to the petition within 30 days. The *answer* states whether or not the defendant agrees with the petition. If the defendant doesn't file an answer, the Court assumes that the defendant agrees to the terms in the petition.

▼

"NOTICE OF HEARING" - The petitioner and all interested parties will receive a *notice of hearing* advising the parties of the scheduled guardianship hearing date and time.

▼

"GUARDIANSHIP HEARING" - The Judge will review the case file and ask a few basic factual question to the petitioner and interested parties. The Judge will rule on matters of the case and will act in the best interest of the incompetent adult or child(ren) in determining guardianship.

▼

"GUARDIANSHIP ORDER" - The petitioner will receive a certified *guardianship order* in the mail 2 weeks after the hearing. The guardianship order is an official document of the decision of the Judge.

▼

"ANNUAL GUARDIANSHIP REVIEW" - Annually you will receive notice of hearing advising the parties of the scheduled review hearing date and time to review the guardianship case.

**IN THE COURT OF INDIAN OFFENSES FOR THE SOUTHERN PLAINS REGION
ANADARKO, OKLAHOMA**

**IN THE MATTER OF THE
GUARDIANSHIP OF:**

_____,
DOB: _____;
_____ **Tribal Adult Incompetent.**

Case No. PG-____-____

PETITION FOR GUARDIANSHIP OF ADULT INCOMPETENT

COMES NOW, _____, Petitioner herein, Pro Se and for this cause of action, the Petitioner alleges and states the following:

1. That the Court of Indian Offenses for the Southern Plains Region has personal and subject matter jurisdiction to hear and decide this matter in accordance to 25 CFR 11.116 and 11.610;
2. That _____, adult incompetent herein, is an enrolled member of the _____ Tribe of Oklahoma. A copy of the adult incompetent's Tribal enrollment card/Certificate Degree of Indian Blood is submitted along with the petition to the Court.
3. That the adult incompetent is _____ years old and was born on _____, _____. A copy of the adult incompetent's birth certificate is submitted along with the petition to the Court;
4. That the adult incompetent resides at _____ (**INCLUDE CITY, STATE & ZIP**) and has lived at this address for _____ (**STATE LENGTH OF TIME IN MONTHS OR YEARS AT THIS ADDRESS**);

That the Petitioner is an enrolled member of the _____ Tribe of Oklahoma and the Petitioner's address is _____; (**INCLUDE CITY, STATE & ZIP**) **OR**

That the Petitioner is non-Indian and the Petitioner's address is _____; (**INCLUDE CITY, STATE & ZIP**)

5. That according to the Petitioner's knowledge, the adult incompetent, does not have a Court appointed guardian and a guardian needs to be appointed for the reason that: (**EXPLAIN IN DETAIL WHY A GUARDIAN NEEDS TO BE APPOINTED**)
6. That the adult incompetent needs a guardian appointed to provide for her/his care and maintenance and to oversee her/his affairs, both medically and financially;
7. That the Petitioner is the _____ (**STATE RELATIONSHIP**) of the adult incompetent;
8. That the closest blood relatives names, addresses and relationship to the adult incompetent, so far as know to the Petitioner are:
(**LIST EACH CLOSEST BLOOD RELATIVE'S NAME, FULL ADDRESS (INCLUDE CITY, STATE & ZIP) AND THE RELATIONSHIP THEY ARE TO THE CHILD**)
9. That the Petitioner is capable and willing to assume the responsibility of being the guardian of the adult incompetent;

10. That the Petitioner is a fit and proper person to be appointed guardian to oversee the care and maintenance of the adult incompetent;

****ONLY ADD 10. IF YOU ARE REQUESTING A TEMPORARY ORDER****

11. That a temporary order needs to be issued for the reason that (**EXPLAN IN DETAIL WHY AN EMERGENCY FOR THE TEMPORARY ORDER EXISTS.**)

WHEREFORE, the Petitioner prays that the Court will issue an order appointing the Petitioner guardian of said adult incompetent and that a hearing be set on this matter as soon as the Court deems necessary.

NAME, Petitioner
FULL ADDRESS (include city, state & zip)
TELEPHONE NO.
EMAIL ADDRESS (if available)

VERIFICATION

I, _____, being duly sworn to tell the truth and being of lawful age above 18 years of age, hereby states that I have prepared and read this petition and verify that all of the factual allegations contained in this petition are in fact true and correct to the best of my knowledge and belief, **UNDER PENALTY OF PERJURY.**

NAME, Petitioner

SUBSCRIBED AND SWORN TO BEFORE ME THIS ____ DAY OF _____,
20____.

(SEAL)

Court Clerk/ Deputy

**IN THE COURT OF INDIAN OFFENSES FOR THE SOUTHERN PLAINS REGION
ANADARKO, OKLAHOMA**

**IN THE MATTER OF THE
GUARDIANSHIP OF:**

_____,
DOB: _____;
_____ **Tribal Adult Incompetent.**

Case No. PG- _____ - _____

ENTRY OF APPEARANCE AND WAIVER

I, the undersigned relative of _____, being one of the persons having a right to the appointment of guardianship over the person of _____, do hereby waive my rights to said appointment in favor of the _____, Petitioner herein, and I respectfully pray that the Court will appoint Petitioner, as guardian over the above listed person and estate. Should I have objected to said appointment of the Petitioner, I am aware that I had the right to file an answer to said petition and appear in Court to make my objections known and that I waive that right.

Dated this _____ day of _____, 20_____.

Signature

Please print your name & address:

Telephone: _____

SHOULD YOU AGREE TO SIGN THIS WAIVER, PLEASE SIGN IN FRONT OF A NOTARY PUBLIC OR COURT CLERK AND RETURN TO THIS OFFICE EITHER BY MAIL OR IN PERSON.

State of Oklahoma; _____)
County of _____)

Before me, the undersigned Notary Public, came _____ this _____ day of _____, 20____, to me known to be the identical person who executed the above and foregoing Entry of Appearance and Waiver, and personally acknowledged to me that he/she has read, understood, and signed the same, and that he/she executed the same as his/her free and voluntary act and deed for the uses and purposes therein set forth. IN WITNESS THEREOF I have hereunto affixed my signature and official seal the date heretofore stated.

(SEAL)

NOTARY PUBLIC

My Commission Expires: _____

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 20_____.

COURT CLERK/DEPUTY

**IN THE COURT OF INDIAN OFFENSES FOR THE SOUTHERN PLAINS REGION
ANADARKO, OKLAHOMA**

**IN THE MATTER OF THE
GUARDIANSHIP OF:**

**Amy Ann Redskin,
DOB: 08/01/1929;
Kiowa Tribal Adult Incompetent.**

Case No. PG-____ - ____

PETITION FOR GUARDIANSHIP OF ADULT INCOMPETENT

COMES NOW, the Petitioner, Jane Ann BlueWind, Petitioner herein, Pro Se and for this cause of action, the Petitioner alleges and states the following:

1. That the Court of Indian Offenses for the Southern Plains Region has personal and subject matter jurisdiction to hear and decide this matter in accordance to 25 CFR 11.116 and 11.610;
2. That Amy Ann Redskin, adult incompetent herein, is an enrolled member of the Kiowa Tribe of Oklahoma. A copy of the adult incompetent's Tribal enrollment card is submitted along with the petition to the Court;
3. That the adult incompetent is 82 years old and was born on August 1, 1929. A copy of the adult incompetent's birth certificate is not available due to the fact that the adult incompetent was born at home. The only available record is an affidavit of birth and is submitted along with the petition to the Court;
4. That the adult incompetent resides at Reservation Hills Nursing Home, 1234 Native Drive, Anadarko, Oklahoma 73005 and has lived at this address for 3 months;
5. That the Petitioner is an enrolled member of the Kiowa Tribe of Oklahoma and the Petitioner's address is 111 Indian Road, Anadarko, Oklahoma 73005;
6. That according to the Petitioner's knowledge, the adult incompetent, does not have a court appointed guardian, and a guardian needs to be appointed for the reason that:

Amy Ann Redskin has been diagnose with alzheimer's disease. A copy of the medical record is submitted to the Court. The alzheimer's disease has continued to worsen and

Amy Ann Redskin on several occasions she tried to walk out in the middle of the night from the Petitioner's residence. For the safety of Amy Ann Redskin, she was placed in Reservation Hills Nursing Home for around the clock care;

7. That the adult incompetent needs a guardian appointed to provide for her care and maintenance and to oversee her affairs, both medically and financially;
8. That the Petitioner is the daughter of the adult incompetent;
9. That the closest blood relatives names, addresses and relationship to the adult incompetent, so far as known to the Petitioner are:

Nicole Redskin, daughter
P.O. Box 0000
Fort Sill, Oklahoma 73503

Tommy Redskin, son
100000 North 1st Street
Nowhere, Oklahoma 73000

10. That the Petitioner is capable and willing to assume the responsibility of being the guardian of the adult incompetent;
11. That the Petitioner is a fit and proper person to be appointed guardian to oversee the care and maintenance of the adult incompetent;

WHEREFORE, the Petitioner prays that the Court will issue an order appointing the Petitioner as guardian of said adult incompetent and that a hearing be set on this matter as soon as the Court deems necessary.

JANE ANN BLUEWIND, Petitioner
1111 Indian Road
Anadarko, Oklahoma 73005
(405)247-0000
janeannredskin@yahoo.net

VERIFICATION

I, Jane Ann BlueWind, being duly sworn to tell the truth and being of lawful age above 18 years of age, hereby states that I have prepared and read this petition and verify that all of the factual allegations contained in this petition are in fact true and correct to the best of my knowledge and belief, **UNDER PENALTY OF PERJURY.**

Jane Ann BlueWind, Petitioner

SUBSCRIBED AND SWORN TO BEFORE ME THIS ____ DAY OF _____,
20____.

(SEAL)

Court Clerk/ Deputy

**IN THE COURT OF INDIAN OFFENSES FOR THE SOUTHERN PLAINS REGION
ANADARKO, OKLAHOMA**

**IN THE MATTER OF THE
GUARDIANSHIP OF:**

**Amy Ann Redskin,
DOB: 08/01/1929;
Kiowa Tribal Adult Incompetent.**

Case No. PG-____-____

ENTRY OF APPEARANCE AND WAIVER

I, the undersigned relative of Amy Ann Redskin, being one of the persons having a right to the appointment of guardianship over the person of Amy Ann Redskin, do hereby waive my rights to said appointment in favor of the Jane Ann BlueWind, Petitioner herein, and I respectfully pray that the Court will appoint Petitioner, as guardian over the above listed person and estate. Should I have objected to said appointment of the Petitioner, I am aware that I had the right to file an answer to said petition and appear in Court to make my objections known and that I waive that right.

Dated this _____ day of _____, 20____.

Signature

Please print your name & address: _____

Telephone: _____

SHOULD YOU AGREE TO SIGN THIS WAIVER, PLEASE SIGN IN FRONT OF A NOTARY PUBLIC OR COURT CLERK AND RETURN TO THIS OFFICE EITHER BY MAIL OR IN PERSON.

State of Oklahoma;)
County of _____)

Before me, the undersigned Notary Public, came _____ this ____ day of _____, 20____, to me known to be the identical person who executed the above and foregoing Entry of Appearance and Waiver, and personally acknowledged to me that he/she has read, understood, and signed the same, and that he/she executed the same as his/her free and voluntary act and deed for the uses and purposes therein set forth. IN WITNESS THEREOF I have hereunto affixed my signature and official seal the date heretofore stated.

(SEAL)

My Commission Expires: _____

NOTARY PUBLIC

SUBSCRIBED AND SWORN TO BEFORE ME THIS ____ DAY OF _____, 20____.

COURT CLERK/DEPUTY